

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TAMEKA SIMMONS,

Plaintiff,

-against-

AKIN GUMP STRAUSS HAUER &
FELD, LLP,

Defendant.

ECF CASE

10 Civ. 8990 (JSR) (RLE)

AFFIRMATION OF
DEBRA L. RASKIN

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Debra L. Raskin deposes and says:

1. I am a member of Vladeck, Waldman, Elias & Engelhard, P.C., counsel for plaintiff Tameka Simmons ("plaintiff" or "Simmons") in this action. I submit this affirmation in opposition to the motion for summary judgment of defendant Akin Gump Strauss Hauer & Feld, LLP. ("Akin," the "Firm" or "defendant").

2. On or about October 12, 2010, I became aware that government investigators had called Simmons about a pending investigation concerning a client for whom she had done work during her tenure with defendant. On the same day, I phoned Akin counsel to request that the Firm provide Simmons with counsel to ensure that she properly fulfilled all of her ethical obligations and the requirements of attorney-client privilege in connection with the investigation. Defendant flatly refused. On the following day, defendant offered to allow Simmons to consult with in-house counsel, which was inappropriate given the conflict of interest posed by Simmons's pending claims. Only after repeated requests did Akin finally agree to afford Simmons independent counsel..

3. On or about March 8, 2011, I sent Akin a notice for the deposition of Alexia Richmond ("Richmond"), a paralegal in the New York office of Akin's Investment Funds Practice Group, on March 23, 2011.

4. On March 14, 2011, defendant's counsel notified me that Richmond had "resigned." A copy of defendant's e-mail is attached in Exhibit 62.

5. Fact discovery in this matter closed on March 25, 2011.

6. On or about March 29, 2011, plaintiff learned that Richmond's counsel had exchanged letters with defendant's counsel with respect to the termination of Richmond's employment and this matter. On April 14, 2011, I requested that defendant produce such letters; without denying that they exist, defendant refused. A copy of plaintiff's and defendant's letter is attached in Exhibit 62.

7. Attached hereto as Exhibit 1 is a redacted version of a true and correct copy of plaintiff's deposition transcript, dated February 23, 2011.

8. Attached hereto as Exhibit 2 is a redacted version of a true and correct copy of the deposition transcript of Christopher Gorman-Evans ("Gorman-Evans"), dated March 10, 2011. An unredacted version will be filed under seal.

9. Attached hereto as Exhibit 3 is a redacted version of a true and correct copy of the deposition transcript of Arina Lekhel ("Lekhel"), dated March 15, 2011. An unredacted version will be filed under seal.

10. Attached hereto as Exhibit 4 is a redacted version of a true and correct copy of the deposition transcript of Prakash Mehta ("Mehta"), dated March 4, 2011. An unredacted version will be filed under seal.

11. Attached hereto as Exhibit 5 is a redacted version of a true and correct copy of the deposition transcript of Ann Tadajweski ("Tadajweski"), dated March 18, 2011. An unredacted version will be filed under seal.

12. Attached hereto as Exhibit 6 is a redacted version of a true and correct copy of the deposition transcript of Stephen Vine ("Vine"), dated March 1, 2011. An unredacted version will be filed under seal.

13. Attached hereto as Exhibit 7 is an e-mail from Simmons to Tadajweksi, dated January 1, 2008. (Bates No. AG 3559)¹

14. Attached hereto as Exhibit 8 is an e-mail among Vine and others, dated April 25, 2008, marked as Vine Deposition Exhibit 16. (Bates No. AG 614-15)

15. Attached hereto as Exhibit 9 are pages excerpted from an Akin Firm Manual, dated April 2007, taken from Vine Deposition Exhibit 11. (Bates No. AG 928, 967-92) Pursuant to Federal Rule of Evidence 1006, the complete document has not been publicly filed.

16. Attached hereto as Exhibit 10 is an undated chart of defendant's corporate and funds attorneys, marked as Mehta Deposition Exhibit 9. (Bates No. AG 5693-707)

17. Attached hereto as Exhibit 11 is an e-mail from Simmons to Fermin, dated March 21, 2008. (Bates No. AG 4308)

18. Attached hereto as Exhibit 12 is a redacted version of charts titled "IFPE Attorneys With Gender and Ethnicity," dated July 2007, 2008, 2009, and 2010, parts of which are marked as Vine Deposition Exhibits 3 and 4. (Bates No. AG 2894-902, 5735-37) = An unredacted version will be filed under seal.

¹ All documents denoted "AG" were produced by defendant in discovery.

19. Attached hereto as Exhibit 13 is an undated document titled "Partner Advisor Guidelines," marked as Vine Deposition Exhibit 1. (Bates No. AG 16-17)

20. Attached hereto as Exhibit 14 are e-mails among Barth, Vine, Gorman-Evans, and others, dated July 23, 2007, marked as Gorman-Evans Deposition Exhibit 2. (Bates No. AG 2149)

21. Attached hereto as Exhibit 15 is a redacted version of a page excerpted from the hours charts of Perez, dated April 2008. (Bates No. AG 7109) An unredacted version will be filed under seal.

22. Attached hereto as Exhibit 16 is a chart of the Investment Funds Practice Group ("IFPG") associates' vacation and leave days used for 2007 to 2009. (Bates No. AG 5793-816) Pursuant to Federal Rule of Evidence 1006, the complete document has not been publicly filed.

23. Attached hereto as Exhibit 17 is an e-mail from Rebecca C. Rizzo to Debra L. Raskin, dated March 4, 2011, marked as Gorman-Evans Deposition Exhibit 1.

24. Attached hereto as Exhibit 18 is an article from the National Law Journal titled "Law Firm Diversity Among Associates Erodes in 2010," dated November 4, 2010.

25. Attached hereto as Exhibit 19 are e-mails between Vine and Paulson, dated May 19, 2008, marked as Vine Deposition Exhibit 26. (Bates No. AG 5753-55)

26. Attached hereto as Exhibit 20 is a redacted version of a 2008 Non-Partner Attornery/Advisor Evaluation for [REDACTED], marked as Lekhel Deposition Exhibit 4. (Bates No. AG 2795-803) An unredacted version will be filed under seal.

27. Attached hereto as Exhibit 21 is a redacted version of a 2009 Non-Partner Attorney/Advisor Evaluation for [REDACTED], marked as Lekhel Deposition Exhibit 5. (Bates No. AG 2812-20) An unredacted version will be filed under seal.

28. Attached hereto as Exhibit 22 is a redacted version of a 2008 Non-Partner Attorney/Advisor Evaluation for [REDACTED]. (Bates No. AG 2821-28) An unredacted version will be filed under seal.

29. Attached hereto as Exhibit 23 are e-mails among Sturman, Tadajweski, and Bruynes, dated October 1, 2008, marked as Tadajweski Deposition Exhibit 6. (Bates No. AG 1807-09)

30. Exhibit 24 has intentionally been left blank.

31. Attached hereto as Exhibit 25 is a redacted version of e-mails among Koopersmith, Mehta, and Vine, dated October 27, 2008, marked as Vine Deposition Exhibit 20. (Bates No. AG 2964) An unredacted version will be filed under seal.

32. Attached hereto as Exhibit 26 is a 2008 Evaluation for Simmons, marked as Vine Deposition Exhibit 19. (Bates No. AG 800-06)

33. Attached hereto as Exhibit 27 is an e-mail from Meserole to various, dated September 4, 2008, marked as Vine Deposition Exhibit 18. (Bates No. AG 993-96)

34. Attached hereto as Exhibit 28 is a 2009 Evaluation for Simmons, marked as Vine Deposition Exhibit 25. (Bates No. AG 807-15)

35. Attached hereto as Exhibit 29 are e-mails between Beckler-Knoll and Simmons, dated January 7, 2009, marked as Pl. Deposition Exhibit 25. (Bates No. AG 1915-18)

36. Attached hereto as Exhibit 30 are e-mails between Vine and Mourges, dated July 10, 2008, marked as Vine Deposition Exhibit 12. (Bates No. AG 532-33)

37. Attached hereto as Exhibit 31 are a 2009 Reduction in Force chart and an e-mail from McLean to various, dated March 6, 2009, marked as Mehta Deposition Exhibit 4. (Bates No. AG 2919-22)

38. Attached hereto as Exhibit 32 are e-mails between Tadajweski and Lekhel, dated September 17, 2007, marked as Lekhel Deposition Exhibit 3. (Bates No. AG 1616)

39. Exhibit 33 has intentionally been left blank.

40. Attached hereto as Exhibit 34 are Akin Gump's EEOC Position Statement and a follow-up letter, dated April 30 and August 2, 2010. (Bates No. AG 2850-66, 2887-93)

41. Exhibit 35 has intentionally been left blank.

42. Attached hereto as Exhibit 36 is an e-mail from the Akin Human Resources Department to various, dated September 11, 2009, marked as Vine Deposition Exhibit 24. (Bates No. AG 5029-31)

43. Attached hereto as Exhibit 37 is a redacted version of a 2009 Non-Partner Attornery/Advisor Evaluation for [REDACTED]. (Bates No. AG 5645-5653) An unredacted version will be filed under seal.

44. Attached hereto as Exhibit 38 is a redacted version of a 2009 Non-Partner Attornery/Advisor Evaluation for [REDACTED]. (Bates No. AG 5619-5626) An unredacted version will be filed under seal.

45. Exhibit 39 has intentionally been left blank.

46. Exhibit 40 has intentionally been left blank.

47. Attached hereto as Exhibit 41 is an e-mail from Botter to various, dated April 6, 2009, marked as Pl. Deposition Exhibit 19. (Bates No. AG 5318)

48. Attached hereto as Exhibit 42 is a resume of Tameka Simmons, marked as Vine Deposition Exhibit 7. (Bates No. AG 596)

49. Exhibit 43 has intentionally been left blank.

50. Attached hereto as Exhibit 44 are e-mails among Simmons, Sturman, and Vine, dated June 13, 2007, marked as Mehta Deposition Exhibit 1. (Bates No. AG 623-24)

51. Attached hereto as Exhibit 45 is an offer letter to Simmons from Botter, dated June 7, 2007, marked as Pl. Deposition Exhibit 4. (Bates No. AG 570)

52. Exhibit 46 has intentionally been left blank.

53. Attached hereto as Exhibit 47 are articles from the Akin website, marked as Tadajweski Deposition Exhibit 12. (Bates No. AG 853-60)

54. Attached hereto as Exhibit 48 is an e-mail from Beckler-Knoll to Simmons, dated August 21, 2007, marked as Pl. Deposition Exhibit 6. (Bates No. AG 15)

55. Attached hereto as Exhibit 49 is an e-mail from Mehta to various, dated January 28, 2008, marked as Tadajweski Deposition Exhibit 1. (Bates No. AG 1717)

56. Attached hereto as Exhibit 50 are e-mails between Gorman-Evans and Tadajweski, dated July 29, 2007, marked as Gorman-Evans Deposition Exhibit 6. (Bates No. AG 1653)

57. Attached hereto as Exhibit 51 are e-mails between Tadajweski and Gorman-Evans, dated December 10, 2007, marked as Gorman-Evans Deposition Exhibit 18. (Bates No. AG 1709-14)

58. Attached hereto as Exhibit 52 are e-mails among Vine, Gorman-Evans, Mehta, and others, dated September 12, 2007, marked as Gorman-Evans Deposition Exhibit 3. (Bates No. AG 1655)

59. Attached hereto as Exhibit 53 is an e-mail from Ojediran to Tadejewski, dated December 6, 2007, marked as Tadejewski Deposition Exhibit 2. (Bates No. AG 1742)

60. Exhibit 54 has intentionally been left blank.

61. Attached hereto as Exhibit 55 is a redacted version of hours charts for Sheila Azad for 2007 to 2010. (Bates No. AG 5898-6084) Pursuant to Federal Rule of Evidence 1006, only pages bearing Bates No. AG 5898-902 will be filed publicly; however, the complete document will be filed under seal.

62. Attached hereto as Exhibit 56 are NALP profiles for Akin's U.S. offices, spanning 2004 to 2010. (Bates No. Pl. 2001-27)

63. Attached hereto as Exhibit 57 is a 2007 article from the Akin website titled "Commitment to Diversity." (Bates No. AG 871-72)

64. Attached hereto as Exhibit 58 is a memorandum to Partners from McLean and Mason, dated February 9, 2006, marked as Vine Deposition Exhibit 28. (Bates No. AG 5687-89, 5666-67)

65. Attached hereto as Exhibit 59 is a printout of Akin's diversity webpage, marked as Vine Deposition Exhibit 2. (Bates No. AG 853-54)

66. Attached hereto as Exhibit 60 is an undated betterlegalprofession.org chart of diversity rankings for Manhattan firms, submitted in support of plaintiff's EEOC charge. (Bates No. Pl. 242)

67. Attached hereto as Exhibit 61 are e-mails among Simmons and various from 2009. (Bates No. AG 1646, 2133, 2191, 2373, 4811, 5012, 5245, 5296, 5297, 5343)

68. Attached hereto as Exhibit 62 is a series of correspondence among Christine Kearns to Debra L. Raskin, Liane Rice, and Rebecca C. Rizzo, dated March and April, 2011.

69. Exhibit 63 has intentionally been left blank.

70. Exhibit 64 has intentionally been left blank.

71. Attached hereto as Exhibit 65 are e-mails among the Human Resources Department, Meserole, and Vine, dated April 21, 2008, marked as Vine Deposition Exhibit 14. (Bates No. AG 3297-99)

72. Exhibit 66 has intentionally been left blank.

73. Exhibit 67 has intentionally been left blank.

74. Attached hereto as Exhibit 68 are e-mails among Tadajweski, Gorman-Evans, Simmons, and Hsu, dated December 19, 2007, marked as Gorman-Evans Deposition Exhibit 21. (Bates No. AG 1743-46)

75. Attached hereto as Exhibit 69 is a 2010 chart of attorney departures, marked as Mehta Deposition Exhibit 8. (Bates No. AG 5594-96)

76. Exhibit 70 has intentionally been left blank.

77. Exhibit 71 has intentionally been left blank.

78. Attached hereto as Exhibit 72 is a redacted version of an e-mail from Vine to various, dated February 4, 2009, marked as Tadajweski Deposition Exhibit 11. (Bates No. AG 1818) An unredacted version will be filed under seal.

79. Attached hereto as Exhibit 73 is an Akin newsletter, dated January 15, 2009, marked as Mehta Deposition Exhibit 2. (Bates No. AG 4840-46)

80. Attached hereto as Exhibit 74 is an e-mail from Mehta to Koopersmith and Vine, dated February 28, 2009. (Bates No. AG 1348-49)

81. Attached hereto as Exhibit 75 is an e-mail from Paulson to Sirianni, dated March 9, 2009. (Bates No. AG 1319)

82. Attached hereto as Exhibit 76 is an e-mail from Paulson to Williams and Bell, dated March 11, 2009. (Bates No. AG 1316)

83. Attached hereto as Exhibit 77 is an e-mail from Gavit to various, dated March 5, 2009, marked as Vine Deposition Exhibit 22. (Bates No. AG 1256-59)

84. Attached hereto as Exhibit 78 is an e-mail among Koopersmith, McLean, and others, dated February 22, 2009, marked as Mehta Deposition Exhibit 6. (Bates No. AG 1351)

85. Exhibit 79 has intentionally been left blank.

86. Exhibit 80 has intentionally been left blank.

87. Attached hereto as Exhibit 81 is an e-mail among Mehta, Vine, Tadajweski, and others, dated June 7, 2007. (Bates No. 613-15)

88. Attached hereto as Exhibit 82 is a redacted version of a chart of hours for Chung for 2007 to 2010. (Bates No. 6342-522) Pursuant to Federal Rule of Evidence 1006, only pages bearing Bates No. AG 6342-46 will be filed publicly; however, the complete document will be filed under seal.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 25, 2010, in New York, New York.


DEBRA L. RASKIN